

Executive Registry
78-4340/12

9 March 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM : Coordinator for Academic Relations, NFAC

SUBJECT : Background Materials for the Visit of the
University Presidents, Friday, 10 March 1978

1. Attached are the following materials:

- (a) Information on the three universities, Miami (Fla.), Louisiana State, and the University of Washington.
- (b) Memorandum on the Harvard Guidelines and related matters that you asked me to prepare.
- (c) The Harvard Guidelines Committee report with President Bok's letter transmitting the report to the faculty.

2. I must apologize for the length of my memorandum on the guidelines issue. I have provided subtitles to assist you in finding the parts you may wish to review. I am making copies available to the other principal officers who will be meeting with the university presidents so that all may have the same background on this issue.

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Attachments

SUBJECT: Background Materials for the Visit of the
University Presidents, Friday, 10 March 1978

Distribution:

- 1 - DCI
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Academic Community "Guidelines" on Relations
with the Intelligence Community

The [Select] Committee believes that it is the responsibility of . . . the American academic community to set the professional and ethical standards of its members. This report on the nature and extent of covert individual relationships with the CIA is intended to alert [the academic community] that there is a problem.

Background

Harvard University was the first of the major academic institutions to respond to the suggestion of the Select Committee on Intelligence (the Church Committee) quoted above. In May 1976 President Derek C. Bok of Harvard appointed a faculty committee consisting of Archibald Cox, Don Price, Henry Rosovsky, and Daniel Steiner (the Harvard general counsel). The committee report, dated 12 May 1977, developed and transmitted to President Bok six "Recommended Guidelines." A few days later the report and the guidelines were released to the press by President Bok. Since that time the latter have served as the major focal point for much of the discussion of the same issues on other campuses.

While the Harvard committee was drafting its report one of its members called the Agency General Counsel and invited comment on its work. The call resulted in an exchange between the DCI and President Bok in which it was agreed that the Agency would send representatives to Cambridge to review the draft. Those sent were John Waller, Inspector General, and [redacted], Special Assistant to the DDCI (who has since retired). They spent several hours with the committee, going over the draft of the report and the guidelines, and succeeded in having some changes made, though not all that they wished. The completed report was subsequently mailed to the Agency on Tuesday, 17 May, with an advisory (from Daniel Steiner) that it would be released to the press on Thursday or Friday of that week. Apparently it was the hope of the Harvard committee that the report might be considered and concurred in by the DCI so that it might be released with CIA "agreement." At any rate, when the papers were released to the press before the Agency received them the Harvard committee apologized for the premature release. Admiral Turner's letter to President Bok, dated 13 June 1977, which acknowledged and offered comment on the guidelines, opened an exchange of correspondence and visits concerning the guidelines that

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continues to this day, for reasons that will be spelled out in the following paragraphs.

The Harvard Guidelines

Let it be said first, however, that the Harvard committee endeavored to approach its task in a positive spirit. Indeed, its report, after offering, as its rationale, the statement of the Church Committee quoted at the head of this memo, opened with a recognition of the importance to the United States of "an effective system of foreign intelligence [which] can benefit considerably from the support of research activities that directly or indirectly involve universities and their faculty members." The introduction also noted that although the proposed guidelines had been inspired by the discussion of the CIA in the Select Committee report, "they should apply equally to relationships with other intelligence agencies of the United States." Further, in a footnote to the passage just quoted, the committee said:

In a more general way this report may also be useful in providing guidance for relationships with other institutions, private and governmental, which may constrain the academic independence of faculty members or reduce their or universities' reputations for independence and objectivity.

In the conclusion of its report the Harvard committee recognized that its recommendations, if adopted, could "make it more difficult for the CIA to perform certain tasks." Nevertheless, referring once again to "present relations between the CIA and the academic community as outlined by the Select Committee," the Harvard committee said: "We believe that the potential harm to the academic enterprise [from a continuation of those relations], and consequently to our society, far outweighs the potential losses that the CIA may suffer."

The six Harvard guidelines -- they are reproduced at the end of this memorandum -- are difficult to summarize. They are so carefully drafted that every word counts. The first two guidelines sanction university research contracts and individual "research and analytical" consulting, if the contracts are in accord with the university's normal practice (which excludes classified research) and are made public and with the proviso in the case of consulting that individual Harvard community members concerned "should report in writing the existence of such an arrangement to the Dean of his or her faculty, who should then inform the President of the University." The third guideline sanctions open CIA (staff) recruiting on the Harvard campus but seeks to discourage the participation of any member of the Harvard community in CIA recruiting if any part of the procedure is covert. Similarly, the fourth guideline advises against participation by members of the community in "intelligence operations for the CIA" and in "propaganda activities if the activities

involve lending their names and positions to gain public acceptance of materials they know to be misleading or untrue." The fifth guideline advises Harvard community members against assisting the CIA in obtaining the unwitting services of another member of the community (and adds: "The CIA should not employ members of the Harvard community in an unwitting manner"). The sixth and final guideline advises that questions concerning the "interpretation and application" of the guidelines should be taken up with the appropriate Faculty Dean initially and then, "if necessary," with the President of Harvard or a member of his staff.

Impact of the Harvard Guidelines on the Intelligence Community

NFAC. The impact of the guidelines on the academic relations of the National Foreign Assessment Center is minimal. On some campuses the implied obligation on the faculty to report any on-going relationships, such as consulting, with the CIA might well deter timid faculty members, or members of faculties or departments that are especially sensitive (because of the presence of active agitators) from serving as open CIA consultants or even attending conferences sponsored by CIA or in which CIA analysts are known participators. This is evidently not the situation at Harvard at this time. Consequently, except in rare instances of individual sensitivity, the Harvard guidelines seem more likely to be interpreted as offering specific sanction to the kinds of open relationships with the CIA that NFAC profits by.

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Communications with Harvard after Publication of the Guidelines

Admiral Turner's letter to President Bok of 13 June 1977 welcomed Harvard's recognition of the need for an effective foreign intelligence system and its acknowledgement of the contribution that academic community members could make to that system. The letter assured Bok that current CIA policy calls for open contracting with academic institutions and for overt staff recruitment on campus, and forbids the obtaining of unwitting services of American staff and faculty members of U.S. academic institutions. The letter also informed Bok that it is Agency policy "to suggest to individual scholars [who agree to consult with the Agency] that they inform appropriate officials at their universities of their relationship with CIA." But the letter took exception to the guideline that "requires your faculty members to report [consultantship] arrangements in writing to the dean of their faculty," unless the same rule is applied to "liaison arrangements with industry, other governmental agencies, foreign governments, etc." The DCI's letter also noted the well-founded reluctance of some academic community members to acknowledge a relationship with the CIA and advised: "We intend to continue respecting the wishes of individuals in this regard."

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Parenthetically, it might be noted that the guideline in question does not seem to require Harvard community members to report their CIA connections to the university; rather, it advises them to do so: "The individual should report in writing (etc.)." It is true that in his letter calling the report of the guidelines committee to the attention of the Harvard faculty Bok said:

. . . I would expect Harvard and its faculty and staff to be sensitive to the issues discussed in the Report and to act consistently with the Committee's guidelines in any relationships they may have with U.S. intelligence agencies.

Nevertheless, as will appear in the next paragraph, Bok himself clearly regards the guidelines as advisory rather than mandatory.

President Bok replied to Admiral Turner's letter on 12 July. He acknowledged the "similarities" of the DCI's and Harvard's approaches to the questions raised by CIA and university relationships. On the DCI's reservation regarding academic community members who might not wish to report relations with the Agency, Bok's letter said:

Although I think it is better for such relationships to be reported, the question seems to be one for individual institutions and the consultants to decide. The difference in our views may not, therefore, be of great significance.

In the next paragraph Bok nailed the two issues that would henceforth form the crux of all our discussions with Harvard. He pointed out that the DCI's letter had referred explicitly to recruiting for "staff employment", thereby ignoring the issue of covert recruitment raised in the Church Committee report and by the Harvard guidelines committee, and had said nothing on the guideline concerning "faculty and staff involvement in intelligence operations." President Bok concluded by offering to designate a member of his staff to pursue possible "real differences" more fully.

Subsequent exchanges with Harvard have returned unfailingly to the same two issues: After considerable staff preparation in the Agency, and presumably at Harvard as well, Daniel Steiner came here on 27 September and discussed the issues with a group consisting of the General Counsel, the Inspector General,

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Coordinator (NFAC). Steiner informed the group that he had been in communication with Yale, Dartmouth, Princeton, the University of Pennsylvania, Cornell, Brown, Columbia, the Massachusetts Institute of Technology, and Stanford, all of which institutions, he said, were in general agreement with Harvard and were considering the issuance of similar guidelines for themselves. When asked, he

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explained that on the two issues of covert recruitment and the "operational" employment of Harvard community members his university would favor CIA policies that would amount to a "mirror image of the Harvard guidelines," specifically prohibiting the two practices.

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In sum, Steiner and the CIA group agreed that the dilemma was genuine. As we saw it, the Executive Branch had the responsibility to determine when secret intelligence operations are necessary in the national interest and to provide them under Congressional oversight. We conceded that the universities had the responsibility for defining the guidelines under which they wished their faculties to function. We suggested that in the few exceptional cases where the individual faced a conflict between his obligations as a member of the academic community and as a citizen of the United States, the decision should be left to him. At the conclusion of the meeting Mr. Steiner expressed his appreciation for our help and said he would communicate further after consulting his colleagues at Harvard. He said he was hopeful of some "creative compromise" because neither a public confrontation nor legislation was desirable for either side.

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After returning to Harvard, Daniel Steiner of 11 October 1977 wrote a brief letter to asking if the following was a correct interpretation of the CIA position:

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"Campaign to Stop Government Spying."

This propaganda campaign, which has been organized by two ex-Government employees, Morton Halperin, former Deputy Assistant Secretary of Defense and former member of the staff of the President's Advisor on National Security, and John Marks, former INR employee and author of The CIA and the Cult of Intelligence, with support from the American Civil Liberties Union and dozens of other organizations devoted to civil liberties, is relevant because it has publicized the Harvard guidelines by distributing the Harvard committee report widely and urging other American higher education institutions to adopt guidelines of their own. The two organizers of the campaign make no secret of their objective, which is to impede and ultimately prevent all secret intelligence "activities" in the United States in peacetime. The campaign does not extend to the production of secret intelligence in the United States based upon foreign collection; it does extend to the use of anyone (citizen or not) within the United States for that purpose without complete disclosure.

Halperin describes the Harvard guidelines as their initial and minimum position vis-a-vis the academic community. The campaign will certainly urge more severe restrictions so long as the same do not limit private rights. Halperin is frank to admit that the ACLU does not support his campaign's advocacy of the Harvard guideline that advises members of the Harvard community to inform the appropriate dean of CIA connections. It is evident, therefore, that most if not all of the kinds of further restrictions that he and Marks would favor, and on which they might expect to be supported by the organizations with which they are affiliated, must apply to the intelligence community, not to private individuals. Halperin also argues that as the CIA succeeded in achieving the right to censor the revelations of the Church Committee, the "full story" has still not been told. Moreover, he concludes from this that the public and the academic community have no assurance that abuses attributed to the intelligence community in the past have actually been corrected. Finally, despite the fact that his initial drive is directed to academic community, and his reservations regarding the Church Committee, he makes it clear that his campaign is aimed ultimately at Congress.

Influence of the Harvard Guidelines on the Academic Community

Considering the passage of time since the Harvard guidelines were published, Harvard's own effort to stimulate similar action on the part of sister institutions, and the Halperin-Marks campaign to give the guidelines the widest possible favorable publicity, the impact upon the remainder of the academic community has been surprisingly minor thus far. The following paragraphs address developments at a few other institutions that are related to or parallel the Harvard initiative.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Background Materials for the Visit of the University
Presidents, Friday, 10 March 1978

FROM: 25X1

for Academic Relations, NFAC

EXTENSION

NO.

78-4340/12

DATE

9 March 1978

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TO: (Officer designation, room number, and building)

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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